

- accidental from non-accidental injuries and sexually transmitted infections from non-sexually transmitted ones.
- iv. Gonorrhea, Syphilis, Chlamydia, Trichomonas, Genital Herpes and Venereal Warts: Children diagnosed with these infections definitely need to be seen for a forensic exam, even if the diagnosis/treatment has occurred elsewhere. Any lab reports that exist must accompany the child when he/she is seen.
  - v. HIV Positive: Children who have tested positive for HIV should be seen for an exam if the source of the virus is not known. With respect to perinatal transmission, if the HIV positive child is older than 12 months when the positive status is discovered, it should not be assumed that he/she acquired the virus from the HIV positive mother.
  - vi. Gardnerella or Monilia: If there is no history or other indication of sexual abuse, children with these infections do not need to be seen for a forensic exam.
  - vii. Other Genital Infections: For children who have less common infections, the need for an exam can be determined by a discussion with available medical personnel. Girls who have a vaginal discharge need to be medically evaluated as soon as possible to determine the cause of the discharge. This may be done by the child's primary care physician or by available medical personnel from the center.
  - viii. Exhibition of some sexualized behavior without reasonable grounds to believe abuse has occurred. It is appropriate to refer these children for counseling as a first intervention rather than making a report. The exam can then be done if the child gives a history of molest or if the therapist, after working with the child for awhile, feels that sexual abuse most likely has occurred even though the child has still given no history.
  - ix. Children who are Preverbal, Non-Verbal or Developmentally Delayed. The forensic exam is an essential ingredient of the investigation after a report as been made.
  - x. Adolescents' sexual abuse occurring 3-14 days prior to the report. These children may have evidence of healing trauma and thus a forensic exam would be worthwhile as soon as possible. If more than 14 days has passed since the alleged molest, these adolescents can be seen on a scheduled basis for a forensic exam disclosing "consensual sex". If there is a question as to whether the sexual contact was "consensual" or "non-consensual", a forensic medical exam should be done.
  - xi. If the victim is under 15 years old, a forensic exam should be done. If the youth/victim is age 15, 16 or 17, and the partner/alleged perpetrator is less than 19 years of age or attending high school and is no more than 24 months older than the victim, the on-call Deputy County Attorney should be contacted for advice.
  - xii. Pregnant Teens. Physicians must consider the possibility of sexual abuse in these cases. If the pregnant teen is under 15 years of age, the physician must make a child abuse report immediately. An abortion should not be done prior to the law enforcement investigation. If an abortion is done,

fetal tissue can be used to identify the father of the baby and a forensic exam is not required

- xiii. Custody Disputes. One exam is appropriate subsequent to a report being made. However, professionals who deal with abuse evaluations should not be influenced by those parents who want frequent medical exams after visitations, unless, of course, there is an additional history of reasonable concern about sexual abuse.
- xiv. Molest allegations and concerns during regular medical exams by Community/Emergency Department Physicians.
- xv. After consideration of history, behavioral changes and examination findings, the physician must make a child abuse report if there is reasonable suspicion that sexual abuse has occurred. CPS/law enforcement can then request a forensic exam.

#### **D. PROCEDURE FOR MEDICAL EXAMINATION – SEXUAL ABUSE**

1. These aspects of the exam are pertinent to all cases, regardless of the time interval from the incident.
  - a. A complete medical history (including immunizations) should be obtained from the caretaker and the child. If the caretaker is not present, then an effort to contact them by phone should be made only with law enforcement and/or CPS approval. This is to insure that the investigation is not compromised. Medical personnel should, however, convey to law enforcement and/or CPS any urgent need for the medical history.
  - b. The child should be given a choice of whether he/she would like a supportive person of their own choosing in the exam room. If this person is disruptive during the exam, the medical professional may ask him/her to leave.
  - c. After the regular physical examination, carefully examine the genital and anal areas to detect any injury. This must be done with good illumination and can involve the use of magnification. The colposcope can provide both illumination and magnification in addition to photographic capability. Photographic and/or video documentation of the genital/anal areas is recommended afterwards, but is not required. The medical professional's primary obligation, keeping in mind the best interest of the child, is to do a thorough and accurate exam of the genital/anal areas. Photographs are a secondary consideration.
  - d. Carefully examine the entire body to detect any signs of trauma, neglect or abnormal medical conditions. Photographic and/or video documentation of any positive findings is recommended. If the law enforcement photographer is not available to take the photographs, the medical unit should have an appropriate camera.
  - e. Consider testing for pregnancy and sexually (and non-sexually) transmitted diseases, such as gonorrhea, syphilis, chlamydia, herpes, trichomonas, staph, strep, candida and HIV. These lab tests may be available on site. However, patients thirteen (13) years and older should be offered a Referral to the Health Department for HIV testing, and thus, will have the choice of confidential versus anonymous testing.

- f. Prepare a forensic medical report. A suggested form is provided by the Arizona Department of Economic Security, Administration for Children Youth and Families. This report should be completed in a timely manner unless a particular lab test result or treatment result (e.g. the opening of a labial adhesion) must first be available.
- g. When the exam is done within 120 hours of the alleged sexual abuse, in addition to the above medical exam procedure, consideration must be given to whether or a rape kit needs to be done. The rape kit procedure includes (but is not limited to):
  - i. Paper bag individual items of clothing separately.
  - ii. Collect specimens by means of swabs to detect perpetrator body fluids (saliva, semen, etc.).
  - iii. Collect other debris (trace evidence) which may be present
  - iv. Collect reference specimens from the victim (saliva, blood, etc.).
  - v. Proper air drying (at room air temperature) and handling of specimens to prevent deterioration.
  - vi. Maintain the chain of custody.

#### E. THE MEDICAL EVALUATION - PHYSICAL ABUSE AND NEGLECT

1. Children suspected by CPS, law enforcement or medical personnel of having been physically abused or neglected should have an exam as soon as possible. Children with fairly minor visible injuries may have serious internal injuries. This exam should include:
  - a. A complete past medical history (including past medical records) and the history of the suspected abuse, which should be obtained from the professional who interviewed the child.
  - b. Because children who experience one type of abuse are at risk for all forms of abuse a brief examination of the genital/anal areas should be conducted. If the history or exam reveals that sexual abuse is a concern, then the sexual abuse procedure should also be followed (*Section D*).
  - c. Appropriate lab studies to document the medical conditions caused by injury and to exclude such medical conditions as bleeding disorders.
  - d. Imaging studies to discover and document injuries that are not externally apparent by physical exam. These studies may include radiographs, ultrasound scans, computerized tomography scanning, nuclear scanning, and Magnetic Resonance Imaging. The studies needed in any given case are variable and must be determined on a case-by-case basis. However, x-rays of the entire skeleton are indicated in most children less than 2 years of age and in selected children over 2 years old if physical abuse is suspected
  - e. Medical staff will assist law enforcement with obtaining Color photographs to document visible injuries as well as other necessary photographs.
  - f. A forensic medical record must be prepared using the form provided by the Arizona Department of Economic Security, Administration for Children, Youth and Families.

This report should be completed on the day of the exam unless an opinion cannot be given until a particular lab or radiology result is available.

## **VI**

### **COUNTY ATTORNEY PROTOCOLS**

The Yavapai County Attorney's Office ("YCAO") has long emphasized a sensitive and coordinated approach to the prosecution of child physical and sexual abuse. The YCAO reviews any investigation submitted by law enforcement agencies for possible filing of criminal charges. An attorney is on-call to assist law enforcement agencies in the investigation of these cases, if needed, and to answer legal questions that may arise during the course of an investigation. The on-call attorney may also visit the scene, assist in search warrant preparation, attend the autopsy or otherwise work with law enforcement.

#### **A. REVIEW OF SUBMITTALS**

After an investigation is completed by law enforcement or the suspect is booked into jail, the agency report is submitted to the YCAO for review. The charging attorney will review the report to determine that CPS is involved and contact the agency if the report does not indicate a joint investigation. The charging attorney will review the report and decide if the case is to be filed, returned for additional investigation, referred to a municipality for possible misdemeanor prosecution or declined for prosecution. As a practical matter, not all Defendants who are arrested will have charges filed, since further investigation may be necessary before the YCAO is ready to file the case, or the case may not meet the standards for prosecution. If the suspect is out of custody, there is no legally imposed time limit for filing cases, other than the statute of limitations.

##### **1. Arrest of suspect:**

- a. When the suspect is arrested and booked into jail, an attorney may attend the Initial Appearance to argue for an appropriate bond or other specific terms and Conditions of Release.
- b. If a suspect has been booked, a Complaint must be filed (charges filed) within 48 hours (excluding weekends and holidays) of an Initial Appearance, which occurs within 24 hours of booking into jail, in order to maintain the bond or release conditions that were set at the Initial Appearance.
- c. If charges are not filed, the Defendant is released from custody and all Initial Appearance conditions no longer apply. If the Defendant was released at his Initial Appearance, on his own recognizance or on bond, and no Complaint is filed within 48 hours, all release conditions will no longer apply and any bond posted will be exonerated.

##### **2. Submittals returned for more investigation:**

- a. The reviewing attorney will list with specificity the information necessary for prosecution.
- b. The submittal is then returned to the investigating agency to complete the investigation.

- c. The case may either be resubmitted for review with additional investigation or the law enforcement agency may choose to close the investigation.
  - d. If the agency does not choose to pursue the investigation, the YCAO and CPS should be notified in writing.
3. Submittals declined for prosecution:
- a. If a case is declined for prosecution, a letter indicating this decision will be mailed to the law enforcement officer and the victim by the YCAO.
    - i. The YCAO shall confer with the submitting law enforcement agency prior to declining a case for prosecution.
    - ii. The victim has a right to confer with the prosecutor regarding a decision not to prosecute.
  - b. Cases are declined for several reasons, but primarily because they do not meet the office standard, which is that the case must have a reasonable likelihood of conviction at trial.
  - c. A case is not rejected solely on the basis of the victim's or family's refusal to cooperate.
  - d. All cases that are declined may, of course, be reevaluated if new evidence is presented.
4. Submittals appropriate for prosecution:
- a. The YCAO shall issue appropriate charges.
  - b. Felony cases may be sent to a Preliminary Hearing or taken before the Grand Jury for a determination of probable cause.
  - c. Grand Jury proceedings are not open to the public.
  - d. If the suspect is indicted, the YCAO shall notify CPS of the charges.

#### **B. PROSECUTION**

It is the Yavapai County Attorney's policy to use a team approach to prosecution. The team consists of the Deputy County Attorney, County Attorney Investigators, Paralegals, Victim Advocates and outside agencies, such as Child Protective Services.

- 1. A County Attorney Investigator may be utilized to assist the prosecutor once a case is filed.
- 2. A Victim Advocate acts as a liaison between the Deputy County Attorney and the victim or the victim's representative.
- 3. The Deputy County Attorney, in conjunction with the Victim Advocate, will work with the victim, parent, guardian ad litem or the victim's attorney on the case.
- 4. Paralegals help in the research and preparation of motions regarding special issues surrounding child sexual and physical abuse prosecutions.

5. Child Protective Services (“CPS”) is an independent state agency that deals with civil issues involving the child victim. If a case involves CPS intervention, the Deputy County Attorney will attempt to work with the assigned caseworker, recognizing that the goals for the case resolution of the two agencies are not necessarily the same.
6. Prosecution is a team effort among the investigative agency, Child Protective Services, the Deputy County Attorney, the Victim Advocate, the victim and the witnesses. All members of the team are under a continuing obligation to exchange information about the case. The assigned detective is encouraged to assist prosecution during the trial.

**C. CASE DISPOSITIONS – CHANGE OF PLEA OR TRIAL**

1. Once the case is assigned to a Deputy County Attorney, the attorney and/or the Victim Advocate will contact the victim as soon as practical to discuss the process and obtain input as to a possible disposition.
2. While not all cases are appropriate for plea offers, the majority of cases will involve an offer to plead guilty to a lesser charge. Plea dispositions are advantageous because they ensure finality for the victim, a judgment of guilt by the court, and an order of restitution for damages incurred by the victim.
3. In all child sexual abuse cases that involve more than one count, it is anticipated that any plea offer will include Lifetime Probation. Lifetime Probation may be imposed even in cases that include a term of imprisonment.
4. It is the duty of the Yavapai County Attorney’s Office to see that justice is served in the handling of criminal cases. In that endeavor, it is recognized that the opinion of the victim as to what is just in their case may differ from the views of this office.
  - a. If the victim’s view of a disposition diverges from the staffing offer, he or she shall be given the opportunity to discuss their disagreement with the Deputy County Attorney and, if necessary, with a YCAO supervisor prior to the plea being finalized.
  - b. If the difference of opinion is still not resolved, the victim has the right and opportunity to notify the Pre-Sentence Probation Officer and the court of their opinion.
  - c. Final disposition of a disputed negotiated plea rests with the discretion of the Court to either accept or reject the plea offer.
5. If a case cannot be resolved by way of change of plea, the case is set for trial.

**D. TRIAL DISPOSITION – TRIAL AND VICTIM PREPARATION**

1. The Yavapai County Attorney’s Office recognizes that many victims and/or their lawful representatives are apprehensive about testifying. Trial apprehension is caused by:
  - a. Unfamiliarity with the trial process.
  - b. Uncertainty regarding whether or not the case is proceeding to trial.
  - c. Unnecessary delays. The Deputy County Attorney will not create any unnecessary delays.
  - d. Fear of testifying.

2. The Deputy County Attorney along with the Victim Advocate may initially meet with the victim in his or her own home, or another place, where the victim feels comfortable.
3. Trial preparation is the responsibility of the Deputy County Attorney. He should meet with the victim in order to:
  - a. Acquaint the victim with the trial process.
  - b. Develop a rapport with the victim.
  - c. In all but very rare cases, the victims are required to testify in court. Prior to the trial, the victim will be taken into a courtroom and the Deputy County Attorney and/or the Victim Advocate will explain courtroom protocols and procedures to the victim.
    - i. The Deputy County Attorney is aware that the courtroom may be intimidating to the child/victim.
    - ii. In appropriate cases, the Deputy County Attorney will request adaptation of the courtroom in order to fit the victim's needs or pursue videotaped or closed circuit testimony.
    - iii. When handled properly, trial testimony can be a powerful aid to the victim recovery process.
  - d. The Deputy County Attorney takes an active role in the victim's recovery process by the manner in which he/she handles a case destined for trial.
  - e. If requested to do so, the Deputy County Attorney will assist the victim in selecting a support person to be present during the victim's testimony, in addition to the Victim Advocate. The support person cannot otherwise be a witness in the case. The Deputy County Attorney will seek appointment of an interpreter or guardian ad litem for a victim in appropriate cases.
  - f. Prior to trial, the Deputy County Attorney or the Victim Advocate will discuss the possible outcomes of the trial with the victim and the victim's representative.
4. At the option of the victim, he or she may submit to an interview by the defense attorney.
  - a. The victim and/or victim representative will be advised of their Victims' Rights to decline a defense interview.
  - b. The Deputy County Attorney will be present and will actively participate in the interview.
  - c. The Deputy County Attorney will make necessary arrangements for any reasonable conditions requested by the victim, including:
    - i. The presence of the Victim Advocate who acts as a support person for the victim; or
    - ii. The presence of another support person.
  - d. The Deputy County Attorney or his/her representative will arrange defense interviews of witnesses at the defense's request.



- i. The Deputy County Attorney or his/her representative will be present and will tape record the interview.
- e. The Yavapai County Attorney's Office recognizes that child sexual and physical abuse cases often require retention of expert witnesses.
  - i. In those cases, the Yavapai County Attorney's Office will pay reasonable fees for that expertise.
  - ii. Professionals are required to testify because they are material witnesses (i.e., they have seen and evaluated the child or are involved in the case within their professional capacity) rather than expert witnesses. In such situations, the professional is not entitled to expert witness compensation.
  - iii. Expert and professional witnesses often have scheduling difficulties. The Deputy County Attorney shall strive to give adequate notice of a pending trial date to these witnesses.
  - iv. Special consideration will be given to the experts and professional witnesses to accommodate their schedules in coordinating a time for their testimony. Obvious constraints are imposed on the Deputy County Attorney, but efforts will be made to minimize the inconvenience to the expert or professional witness.

#### E. COURTROOM PROTOCOLS

Testifying in court is an emotional experience for most adult witnesses. For a child it may be a frightening experience. In some cases there is a need to adjust the courtroom for the needs of children. The Rules of Evidence give the Court broad discretion to meet those needs and to promote the search for truth. It is important for judges to take a proactive role when it comes to children in the courtroom as justice, in many cases, depends on common sense sensitivity to the need(s) of child witnesses.

The following outline provides some guidelines for Deputy County Attorney's to follow in accommodating children as witnesses in a criminal justice system that is set up for adults. Many of these suggestions will depend on the individual circumstances of the particular child witness. The Court and the Deputy County Attorney should always be aware of the dangers in creating error when special procedures are used which may affect the Defendant's rights.

##### 1. Language Abilities

- a. Since in any criminal trial every person is competent to be a witness, there should be no need for a separate Competency Hearing. (*See A.R.S. §13-4061*) If a Judge decides to conduct one anyway, unless the Court is particularly adept at using age appropriate language, the Deputy County Attorney should be allowed to conduct the questioning.

##### 2. Attorney Conduct

- a. Use normal, conversational tones;
- b. Avoid lengthy objections (objections should be handled away from child);

- c. Possibly remain in a neutral location while questioning the child, (especially important if a defendant represents himself); and
  - d. Consider privacy regarding addresses and phone numbers.
3. Reducing Courtroom Trauma - A Child-Friendly Courtroom environment should:
- a. Allow a support person to be nearby/next to the child;
  - b. Allow child to hold a blanket, a stuffed animal, a doll or other small comforting object;
  - c. In some cases, provide a small table and chairs for testimony rather than the witness stand;
  - d. Provide a pillow or booster chair for the witness chair;
  - e. Work with the Bailiff to provide water, tissue and to adjust the microphone;
  - f. Be aware of younger children's reduced attention spans and the need for breaks.
  - g. Provide opportunities for the child to use the restroom;
  - h. Consider whether the child's testimony should be in the early morning or after school. Take the child's schedule or daily routine into consideration when scheduling the child's testimony;
  - i. Consider the necessity of clearing the courtroom of spectators other than the press (proper findings are a must).
  - j. Use child friendly props. Use of anatomically detailed dolls should only occur in rare instances;
  - k. Be aware of signs of distress in the child;
  - l. Let the child know it is okay to tell the attorneys if he/she doesn't understand a question; and
  - m. Provide for the separation of child victim/witnesses and his/her family from the Defendant and non-supportive family, etc.

#### F. JURY VERDICT

If the case has been presented and the jury returns with a verdict, the Deputy County Attorney and/or the Victim Advocate will inform the interested parties and team members of the case outcome.

- 1. A jury has three (3) options in reaching a verdict on any of the charges;
  - a. Not Guilty, in which case the Defendant is acquitted, charges are dismissed and Defendant is free from future prosecution on that matter;
  - b. Guilty, in which case the Defendant is bound over for sentencing; or
  - c. Hung jury, in which case the jury was unable to reach a unanimous verdict as to the Defendant's guilt or innocence. Officially, this results in a mistrial and the case is reset for trial. The case may be re-tried, resolved by plea or dismissed.

- d. It is the Deputy County Attorney's responsibility to consult with and keep the victim informed of the decision regarding the final disposition of the case.

## 2. Sentencing

- a. If the Defendant pleads guilty, no contest or if the jury finds the Defendant guilty, the Deputy County Attorney and/or the Victim Advocate will inform the victim of the sentencing procedure.
- b. The sentencing date is 30 to 60 days after conviction.
- c. The duties of the Deputy County Attorney include:
  - i. Submitting to the Adult Probation Officer an Adult Probation packet which includes:
    - (a) The departmental reports; the Indictment, Information, or Complaint;
    - (b) Copy of the Plea Agreement (when applicable);
    - (c) Victim's biographical information; other relevant information; and
    - (d) The Deputy County Attorney's sentencing recommendation.
  - ii. Informing the victim of his/her right to restitution.
  - iii. Informing the victim of his/her right to view the Presentence Report.
  - iv. Informing the victim of sentencing procedure options, such as:
    - (a) The Defendant may seek a continuance of the original sentencing date in order to present mitigating evidence;
    - (b) The State may seek a continuance in order to present aggravating evidence; or
    - (c) Either side may request a Mental Health Examination under Rule 26.5, Arizona Rules of Criminal Procedure.
  - v. Informing the victim of his/her sentencing rights at the sentencing proceeding.
    - (a) The victim or the victim's lawful representative has the right to be present at the sentencing, and
    - (b) The victim or the victim's lawful representative has the right to address the Court.
  - vi. Assisting the victim in addressing the court. The Deputy County Attorney may assist the victim in preparing a written statement to present to the Court.

## 3. Post-Conviction Relief and Appeals

- a. The Deputy County Attorney and/or the Victim Advocate will explain to the victim and his/her representative the possibility of a review via Petition for Post-Conviction Relief ("PCR") or an Appeal. A form to Opt-In for Post-Conviction Notification will be provided to the victim.
- b. PCR is a legal review of the Change of Plea proceeding. The Yavapai County Attorney's Office handles PCRs.

- c. An Appeal is a legal review of the trial proceedings. Appeals are handled by the Arizona Attorney General's Office.

G. DISPUTE RESOLUTION

Pursuant to A.R.S. § 8-817, the Protocols shall contain Procedures for Dispute Resolution among law enforcement, Child Protective Services and the County Attorney's Office. The Dispute Resolution Procedures are set out in *Section XI*.

## VII

### MENTAL HEALTH INTERVENTION PROTOCOLS

As advocates for victims and children, mental health professionals may provide primary therapeutic intervention, support to families, information and be a source of referral for child abuse allegations because of their contact with children and their families. A primary concern of the mental health professional is to prevent re-victimization of the child. It may be the therapist who hears the initial disclosure, either directly from the victim or indirectly from a third person. Reporting of Child Abuse is mandatory for mental health professionals. It is incumbent upon the professional to be familiar with current theory and research on child physical, emotional and sexual abuse, as well as neglect.

The Arizona Mandatory Reporting law, *A.R.S. §13-3620*, requires that mental health or social services professionals, or other persons having responsibility for the care or treatment of children, who reasonably believe that a minor has been the victim of physical injury, a reportable offense or neglect, are mandated to report the matter immediately. "Reasonably believe" means if there are any facts from which one could reasonably conclude that a child has been abused, the person knowing those facts is required to immediately report those facts to a law enforcement officer or to Child Protective Services ("CPS"). If the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a law enforcement officer only. When in doubt, make the report.

The statute also states that anyone who reports a case of suspected child abuse is immune from liability in any civil or criminal proceeding resulting from the report unless the reporter has been charged with or is suspected of committing the abuse or is acting with malice. Mental health professionals are responsible for maintaining current awareness of any statutory changes that may occur in the reporting law. The Yavapai Family Advocacy Center is available to provide up to date training on Mandatory Reporters. (*Appendix 3*)

Every mental health agency should establish a procedure for following the mandatory reporting law. Every mental health practitioner should be familiar with the specific reporting requirements as defined by the professional standards of his/her governing board, (i.e., psychiatrist, psychologist, counselor, marriage and family therapist, social worker, etc.) These Protocols provide guidelines for mental health professionals to best fulfill their legal and professional mandates while working in conjunction with the agencies responsible for the investigation of child abuse cases.

#### A. THERAPEUTIC RESPONSE TO A DISCLOSURE OF ABUSE

When it appears that a child is disclosing information that may be considered abuse, the mental health professional should listen carefully and document direct quotes. The professional receiving such information should listen carefully and should not ask leading questions

1. If the child does not spontaneously provide the information, the following questions should be asked:

- a. Who: Who is the suspect? Collect sufficient information to minimize misunderstanding (i.e., which uncle, grandfather, etc.)
- b. What: What is the nature of the offense (i.e., sexual, physical)
- c. When: When did the last act occur?
- d. Where: Where did the crime occur (jurisdiction)?
2. No further questioning by the mental health professional should be done at this time.
3. If the child has spontaneously answered any of these four questions above, do not ask that question.
4. Record verbatim statements in written form and do not make any video/audio recording.
5. Once the initial disclosure has been made, only the investigating law enforcement or CPS professionals should do further questioning or interviewing of the child.
6. The therapist should remember that his/her relationship with the family and child is therapeutic and not investigative.
7. The therapist should not make promises to the child that cannot be guaranteed. For example, do not tell the child, "This does not have to be reported to the authorities." "You won't have to testify." or "No one will go to jail," etc.

#### B. REPORTING THE ABUSE

1. It remains the responsibility of the person to whom the child disclosed to make the report (or cause it to be made) as soon as possible to CPS and law enforcement.
2. Questions about what constitutes abuse or how to make a report may be answered by CPS at the Statewide Hotline (*Appendix 2*).
3. In cases where a child is in imminent danger, law enforcement should be contacted immediately.
4. A written report must be completed and sent to CPS within 72 hours of making the initial report (*Appendix 2*).
5. The therapist should maintain the original copy of the written report, which should be kept in the client's file.
6. Upon receiving the information, CPS and law enforcement may contact the mental health professional for further information and arrange for a forensic interview of the child.
7. If through therapy, the child discloses further information regarding the abuse, the therapist should document direct quotes and make a report to CPS.
8. Once a report has been made, CPS or law enforcement has the primary responsibility for making further contacts with the family for investigative purposes.
  - a. The mental health professional that is working with a child abuse victim may become a part of the court proceedings. This may mean being ordered to appear in

court and/or submitting your records to the appropriate authorities. Consult your licensing agencies' requirements regarding their response to such requests

- b. The victim and the victim's family should be referred to the Victim Services Division and Victim Compensation Program within the Yavapai County Attorney's Office, as well as to other appropriate services.
- c. Mental health professionals, who prefer not to work with child abuse victims, or lack expertise in this area, may also contact the Yavapai County Attorney's Office, Victim Compensation Program (*Appendix 5*) to seek referrals to mental health professionals who specialize in working with child abuse victims.

**C. THE THERAPIST'S RESPONSIBILITIES AFTER DISCLOSURE OF ABUSE:**

The therapist's primary goal is to facilitate healing in the child who has been victimized. This may include working with family members to negotiate changes in the child's environment, assisting the family in aligning with the victim to provide emotional support and protection, and assisting in minimizing secondary trauma during the legal process.

1. The therapist should delay primary trauma intervention until after the forensic interview and investigation have been completed by the appropriate agency. In the interim, supportive therapy should be provided.
2. Per A.R.S. §13-3620, mandated reporters, including mental health practitioners, may be requested to release records to CPS and/or law enforcement.
  - a. Any records taken or obtained by the County Attorney, CPS or law enforcement are subject to the Rules of Disclosure.
  - b. Questions regarding the Release or requested Release of Records should contact the assigned or on-call Deputy County Attorney or the Arizona Attorney General's Office.
3. Offender treatment records may also be obtained pursuant to A.R.S. §13-3630 in any civil, criminal, administrative proceeding or investigation conducted by CPS or law enforcement, in which a child's neglect, dependency, abuse or abandonment is an issue. For that reason, written records should be complete, concise, clear and factual.
4. Therapists should not disclose facts regarding the allegations to the offender, victim, non-offending parent, caretakers or family members prior to the forensic investigation.
  - a. Explain to the non-offending parent, caretaker and other family members that the facts of the alleged abuse should not be discussed until after the investigative interview is completed by law enforcement and/or CPS.
  - b. Therapists should educate the parent/caretaker that the child may need to talk. Parents should listen, be supportive of the child and seek support from the treatment professional during this time.
  - c. After the investigation is completed, the non-offending parent/caretaker should be fully informed about the details of the allegations.

5. Professionals involved in the treatment of various parties (i.e., victim, offender, non-offending parents and siblings), should collaborate with each other to support effective treatment.
  - a. Appropriate boundaries in working with victims and family members:
    - i. The victim should have a separate therapist from the alleged offender.
    - ii. The “non-contact” rules between offender and victim should be followed consistently.
    - iii. The victim’s therapist should not have direct contact with the alleged offender. Communication should be between the victim’s and the alleged offender’s respective therapists.
    - iv. The victim’s therapist should familiarize her/himself with the Adult and Juvenile Probation Departments’ special conditions of probation for sex offenders and the guidelines for family reunification.
    - v. Therapists should provide support to the child victim through the legal process as appropriate.
6. In cases where prosecution occurs, a Victim Advocate will be assigned.
  - a. The role of the Victim Advocate includes providing information about the criminal justice system and victims’ rights, notification of court dates, visiting the courtroom with the victim and being a support person during interviews, depositions and/or court sessions.
  - b. The therapist should provide emotional support to the victim during this process, in conjunction with the preparation done by the Victim Advocate.
7. The therapist should be prepared to be called as a witness, although this will not always be necessary. This may be done by interview, deposition and/or appearance in court.
  - a. Therapists should be aware that there may be legal limitations regarding the content and scope of their testimony.
  - b. The therapist should contact the assigned or on-call Deputy County Attorney concerning any questions regarding requests for interviews, depositions or court appearances.
  - c. The therapist should not agree to an interview/deposition with a defense attorney without first consulting with the Yavapai County Attorney’s Office. You may request that a Deputy County Attorney be present with you during a defense interview/deposition.



## VIII

### SCHOOLS PROTOCOLS

#### A. REPORTING CHILD ABUSE

The Arizona Mandatory Reporting Law, *A.R.S. § 13-3620* requires: “Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means... shall immediately report or cause reports to be made to a peace officer or to Child Protective Services in the Department of Economic Security; except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only...” (*Section I – Applicable State Laws*)

#### B. SCHOOL PERSONNEL CHILD ABUSE PROCEDURE

1. When it appears that a child is disclosing information that may be considered abuse, school personnel should listen carefully.
  - a. School personnel should document direct quotes from the victim. The only questions school personnel should ask to establish the elements of a crime are:
    - i. Who is the suspect? Collect sufficient information to minimize misunderstanding (i.e., which uncle, grandfather, etc.)
    - ii. What is the nature of the offense (i.e., sexual, physical)
    - iii. When did the last act occur
    - iv. Where did the crime occur (jurisdiction)
2. School personnel are encouraged to gather information from other school personnel for background, family history, health history and other incidents, etc., to provide to law enforcement and/or CPS to further their investigation.
3. The school employee must report immediately to Child Protective Services (“CPS”) or law enforcement.
  - a. If the suspected acts are committed by a person not having the care, custody or control of the child, the report shall be made only to a law enforcement officer. (*Appendix I*)
  - b. Yavapai County strongly recommends reporting suspected abuse to both law enforcement and CPS.
4. A written report must be completed and sent to the appropriate agency within 72 hours. (*Appendix 2 and 10*)
5. Upon receiving the information, CPS and/or law enforcement may send an investigator to the school site in order to interview the child.
  - a. School personnel are not to conduct or sit in on the interview unless requested by CPS or law enforcement.

- b. If the child volunteers additional disclosures after the initial interview, school personnel will document the information and contact CPS or law enforcement.
  - c. School personnel may assist law enforcement or CPS in obtaining color photographs if requested. It is common practice that photographs are taken in the presence of law enforcement or CPS.
6. The CPS specialist and/or law enforcement will provide proper identification and should confer with the person making the report.
7. The CPS and/or law enforcement officer may, at their discretion:
- a. Enter the school grounds and investigate cases of suspected abuse without unnecessary disruption of normal school activities.
  - b. Interview the child victim, all other children residing in the home and on school grounds outside of the presence of school personnel.
  - c. Conduct interviews of the child without permission from or notice to the parent(s) and/or guardian(s).
  - d. Remove the child from the school (take temporary custody) if necessary to further the investigation.
  - e. Obtain any and all school records by lawful means such by Statute, Subpoena or Court Order.
8. CPS or law enforcement is required to notify the parents in writing within six (6) hours if the child is taken into temporary custody. It is NOT the responsibility of school personnel to make notifications to the family.
9. If a parent or guardian calls or comes to the school in an effort to locate a child being interviewed, sheltered or removed from school grounds, the school should refer the parent or guardian to CPS and/or law enforcement

#### C. TRAINING

Each School District is strongly encouraged to provide an annual training regarding the Mandatory Reporting Laws of Arizona. This training is available through the Yavapai Family Advocacy Center (*Appendix 3*).

#### D. CONSEQUENCES

The failure to comply with the duty to report might be a class 1 misdemeanor. However, if the failure to report involves a "reportable offense", the person can be found guilty of a class 6 felony. Penalties could include fines, incarceration and potential loss of certification.

#### E. REPORTABLE OFFENSES

Abuses classified by statute as Reportable Offenses are:

- a. Indecent Exposure, ARS § 13-1402.
- b. Public Sexual Indecency, ARS § 13-1403.
- c. Sexual Abuse, ARS § 13-1404.

- d. Sexual Conduct with a Minor, ARS § 13-1405.
- e. Sexual Assault, ARS § 13-1406.
- f. Molestation of a Child, ARS § 13-1410.
- g. Surreptitious photographing, videotaping, filming, or digitally recording of a minor, ARS § 13-3019.
- h. Furnishing items that are harmful to a child via the internet, ARS § 13-3506.01.
- i. Commercial sexual exploitation of a minor, ARS § 13-3552.
- j. Sexual exploitation of a minor, ARS § 13-3553.
- k. Child prostitution, ARS § 13-3212.
- l. Incest, ARS § 13-3608.

## **IX**

### **ADULT PROBATION PROTOCOLS ADULT SEX OFFENDER CASES**

#### **A. ADULT PROBATION DEPARTMENT INTERACTS WITH VICTIMS IN THREE WAYS:**

1. Investigation as part of the Pre-Sentence Report for the Court prior to sentencing.
2. Supervision of pretrial/sentenced sex offenders in which any contact with the victim(s) is either expressly prohibited or carefully supervised, and in which any family unification/reunification occurs under guidelines, which are structured and incremental. The risk to the community of any sex offender placed there by the Court should be carefully evaluated on an ongoing basis and
3. In the event that probation employees, in the course of their regular duties, have a reasonable belief that a child is or has been the victim of abuse or neglect. This initiates the same protocol as shared by other service professionals who are mandated by law to report the suspected abuse.

#### **B. PRE-SENTENCE INVESTIGATION**

1. Preparing the Report
  - a. In the preparation of a presentence report, the probation officer's assignment is to provide timely, accurate, relevant facts and information to assist the Court in making an appropriate decision as to the sentence.
  - b. If there is a possibility that the Defendant will be sentenced to a grant of probation the Pre-Sentence Investigator shall recommend that the Court order the Special Sex Offender Conditions, unless there are exceptional circumstances.
  - c. In conducting Pre-Sentence Investigations with sex offenders, there are a number of issues unique to this population that should be addressed. The Pre-Sentence Report will provide information including:
    - i. A summary of police report(s), detailing the ages and nature of relationship of the victim and offender;
    - ii. A complete description of the assault and grooming behaviors. That is, the method by which the Defendant coerced, threatened or manipulated the victim and the location and setting of the assault(s);
    - iii. The time span over which the assault behaviors occurred and any weapons which may have been used or were present during the offense;
    - iv. Additionally, the Pre-Sentence Report will include any information in the police report regarding the manner in which the offense was disclosed, the Defendant's initial response to disclosure (one of the

greatest potential trauma to victims), any information about trauma to the victim and the response by others to the disclosure.

- d. Much of the Report requires information about the Defendant including his/her social history, criminal history, substance abuse, mental health problems, financial status, his/her interpretation of the offense and the level of remorse, accountability or denial.

## 2. Taking the Victim's Statement

- a. An important part of the report involves the victim's statement.
- b. Officers should contact the YCAO Victim Services Advocate before contacting the victim. The advocate has often established a rapport with the victim and therefore, the victim might feel more comfortable talking with another stranger if the advocate is present.
- c. It is helpful to let the victims know that this is probably the last time they will have to talk to someone from the Court. He or she has already had to tell the details to numerous individuals and it should not be necessary to repeat them. However, if it seems that they would like to do so, they should be accommodated.
- d. The main objective is twofold:
  - i. To determine the impact the offense had on the victim(s), degree of trauma to the victim(s) (i.e., emotionally, physically and financially), whether they have received counseling and the cost involved, and how they presently view the offender with regard to sentencing; and
  - ii. To do so in a manner that ensures victims' rights are protected in all cases and that the victim is not being further traumatized by the process.
- e. If for some reason the victim has not been provided with information about applying for assistance through the Victim's Compensation Fund, they should be directed to Victim Services at the County Attorney's Office.
- f. When the victim is a child, every effort should be made to decrease any additional trauma or discomfort and make the interview as easy as possible.
  - i. Many parents do not wish their children to be re-interviewed and choose to speak on the child's behalf. If it is deemed appropriate to interview the victim, and time permitting, the officer can offer to go to the victim's home where the child may feel more comfortable and secure.
  - ii. The interview with the child should occur in the presence of a parent or Victim Services Advocate, but the officer should encourage the child to express his or her own feelings.
  - iii. More information about the victim's situation can be gathered from other contacts, such as Child Protective Services Specialist, the victim's counselor, the child's attorney or guardian ad litem, significant members of the family and others who may wish to comment.

- iv. Since a number of victims have still not been in treatment by this time, they or their parent should be encouraged to obtain counseling.

### 3. Conditions of Probation

- a. The eighteen (18) Specialized Sex Offender Conditions shall be recommended for the supervision of sex offenders at the Pre-Sentence level unless there are exceptional circumstances. This will allow the supervising field officers the ability to further evaluate the case, to order further testing for the Defendant and to provide an appropriate degree of safety in the community for the victim(s) and potential victims.

## C. FIELD SUPERVISION

### 1. Pretrial Officers

- a. If a sex offender is granted Pre-Trial Release, in most cases a condition of that release will include the prohibition of any contact with minors.
- b. At the Court's direction the offender will not be permitted to have contact with or reside with any minors.

### 2. Specialized Officers

- a. Sexual offenders will be assigned to a specialized Sex Offender Field Officer, unless there are exceptional circumstances.
- b. Specialized field officers have been trained to understand the intricate dynamics of the sexual deviance, grooming and manipulation tactics, offense cycle, risk factors for re-offense, treatment strategies and objectives.
- c. The specialized unit utilizes a collaborative approach to containment.
- d. The Sex Offender Supervision Team consists of a probation and a surveillance officer who work closely with the treatment providers in order to ensure consistency in messages given to the Defendant about treatment goals and expectations, and about probation performance. It also provides for a system of checks and balances in monitoring contact restrictions and decisions regarding unification/reunification.
- e. After sentencing, it is the team's goal to disrupt the Defendant's deviant sexuality, to protect the victim and to help prevent further victimization.
  - i. Surveillance of an offender is a critical element in this disruption.
  - ii. Field work is conducted to assure that Defendants are complying with their Conditions of Probation and their treatment objectives.
- f. Officers work on a continuing basis to assess the risk level of the offenders on their caseloads and determine the frequency and quality of random field contacts.
- g. Offenders must adhere to:
  - i. Strict definition of "no contact" with children;
  - ii. Curfews;
  - iii. Compliance with residential restrictions;

- iv. Employment restrictions; and
- v. Engage in and abide by the treatment contracts and other restrictions.

**D. OFFENDER TREATMENT/TESTING**

1. All sex offenders, with rare exception, are required to participate in sex offender specific counseling.
2. The Probation Officer, not the offender, chooses the therapist that will be utilized in the offender's treatment. This matter is critical issue as offenders often wish to engage in treatment that does not address their offending behaviors.
3. Probation officers will utilize the services of a therapist who is specifically trained in the treatment of sex offenders.
  - a. Therapists specializing in the treatment of sex offenders are certified by the Association for the Treatment of Sexual Abusers (ATSA) and utilize a cognitive behavioral approach with a strong emphasis on relapse prevention. They are also well versed in the need for group process amongst the offending population.
  - b. In treatment, offenders participate in polygraph and phallometric assessments and engage in a behavioral reconditioning component.
4. If not completed at the Pre-Sentence Level, offenders will have a sex offender specific assessment prior to the commencement of treatment.
5. During the initial phase of treatment, offenders will be required to engage in polygraph and phallometric testing.
  - a. Offenders are required to take an instant offense polygraph test if they are in denial.
  - b. If they have admitted to what the victim has alleged, offenders are required to submit to a sexual history or disclosure polygraph examination, which covers their sexual history and often reveals additional paraphilias they will need to address if they are to make significant progress in learning to control their deviant behavior.
  - c. Since offenders' self-report is often inaccurate and incomplete, polygraph examinations are a useful tool for encouraging sexual offenders to disclose sexual secrets.
6. The Sex Offender Program focuses on assisting offenders in eliminating sexually deviant thoughts, fantasies and behaviors. Once the offender has extinguished secretive and manipulative behaviors, they can begin to work toward establishing healthy relationships.
7. Also in the initial phase of treatment, offenders are required to submit to a pre-treatment, Abel Assessment of Sexual Interest or penile plethysmograph, assessment.
  - a. These phallometric tests are used to objectively assess the offender's significant patterns of sexual arousal.
8. When there has been significant time and progress in treatment, post-tests can be administered to determine if deviant responses are decreased and appropriate responses are increased.

9. The offender is placed in a Cognitive-Behavioral Therapy Group.
  - a. The contracted treatment providers are part of the "Sex Offender Supervision Team" that helps break down the secrecy and denial of many sex offenders.
  - b. Open communication between therapists, probation officers, surveillance officers and treatment specialists is maintained in order to monitor offenders.
  - c. Group treatment also helps eliminate the tendencies toward secrecy and manipulation, which are not as easily extinguished in one-on-one counseling.
10. Offenders are given a series of homework assignments, which must be successfully completed as they progress in therapy.
11. Offenders are not allowed contact with any children, including their own, until certain treatment goals have been met and until the instant offense polygraph and/or sexual history polygraph is passed.
  - a. Contact with a victim should proceed only after a detailed clarification process supervised by both the offender's therapist and victim's therapist. Offenders and victims would not be seen by the same provider.
  - b. Professionals involved in the treatment of offenders and others in the treatment of victims should collaborate with each other to support effective treatment.
  - c. Premature confrontation between a victim and the offender should not occur.
  - d. If the case is one of in-home sexual abuse, or abuse by a close family member, the custodial parent should be informed of the Adult Probation Department's Guidelines for contact.
  - e. The spouse or partner should be aware that the offender will not be allowed to return home or have contact with the victim or other children until various treatment objectives have been met, a process which could take years, to accomplish.
  - f. In some instances it will not occur.
12. The process of unification/reunification is slow and structured. It is a major decision to allow an offender to enter into or to return to an intimate living situation with a child or a child who has been previously victimized.
  - a. The Officer would not permit such an arrangement until both the officer and the therapist believe that the partner or non-offending partner is able to protect the children from victimization or further abuse.
  - b. In some cases the non-offending party would not be considered capable of protecting children.
  - c. The partner and the offender need to be totally aware of the pre-offense thoughts, fantasies and behaviors of the offender.
  - d. The offender must also present a detailed plan for relapse prevention.
  - e. Informed support person's groups are helpful with the unification/ reunification process.



- f. Many family members report being angry at "The System," which they perceive as being responsible for their disrupted family. Group treatment and support can help redirect the responsibility toward the offender and also help the partner to become part of a strong support system for the child.
- g. The attitude and strength of the child victim's support system are crucial to recovery of sexual trauma.
- h. Non-offending partners in sexual abuse cases often have been victimized themselves. They carry the additional burdens of providing a healthy and protective environment for their children while attempting to deal with their own past victimization.
- i. The partner must be an active member of a partners' group and be evaluated as an appropriate chaperone before being considered an adequate protector of children.
- j. Often times in cases of unification/reunification, the offender's therapist will meet with the children to assess whether or not relapse prevention measures are being adhered to in the home.
- k. Similarly, child victims sometime develop "trauma bonds" with their victimizer. Therefore, a child's self-report of readiness to reunify would not be considered sufficient for such a serious undertaking.

#### E. MONITORING

- 1. Specialized Probation Officers often attend various offender and/or victim therapy groups. This allows the Officers to maintain awareness of the issues the offenders and their families are facing.
- 2. Officers monitor the offender's living situation, employment, access and risk to children, adherence to the conditions of probation and the Sex Offender Treatment Contract, substance abuse, use of free time and other areas of his/her environment.
  - a. Detailed information is obtained about the offender's family members and other children with whom the offender may come in contact.
  - b. This information is shared with all members of the team.
  - c. Adult chaperones must be fully informed about the offender's criminal offense and sign a written form of consent before any contact with the children can occur.
- 3. Maintenance/Monitoring polygraphs should take place throughout the offender's term of probation.
  - a. Probation Officers will often review homework and special assignments given in group, increase supervision, verify with family members the offender's accountability and behavioral changes.
  - b. Every attempt within the officer's power is made to assess a potential victim's emotional well-being and provide for victim safety and recovery.

#### F. MANDATORY REPORTING OF SUSPECTED ABUSE

Adult Probation Department employees may be the first persons to whom children disclose abuse or they may detect possible abuse or neglect as a function of their job.

The Arizona Mandatory Reporting Law, *A.R.S. § 13-3620* requires: "Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means... shall immediately report or cause reports to be made to a peace officer or to Child Protective Services in the Department of Economic Security; except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only..." (*Section I – Applicable State Laws*)

1. This law also applies to Adult Probation Department employees.
  - a. If one reasonably believes that a child has been neglected or abused, the Adult Probation Department employee is required to immediately report the incident to CPS and to local law enforcement.
  - b. The information about possible abuse may be received through the child's self-report, the observation of neglect or physical injury, or third party disclosure.
2. Child's Self Disclosure
  - a. When it appears that a child is disclosing information about possible abuse, efforts should be made to promote a quiet, safe place to facilitate the conversation.
  - b. The person receiving the information shall listen openly and speak at the child's developmental level in a positive, non-judgmental manner.
  - c. If the child has not spontaneously provided the following information about the abuse, only these questions should be asked as needed to complete the information:
    - i. What happened?
    - ii. Who did it? Collect sufficient information to minimize misunderstanding (i.e., which uncle, grandfather, etc.)
    - iii. When did it happen?
    - iv. Where did it happen? (jurisdiction)
  - d. Efforts should be made to document the child's exact words during the disclosure. Direct quotes will later be included in the offense report.
  - e. Probation employees should not make any promises of confidentiality or outcome. For example, do not tell the child, "This does not have to be reported to the authorities." "You won't have to testify." or "No one will go to jail." etc.
  - f. Follow the reporting procedure as specified in *Section G*.
  - g. Observations of Injury, Neglect and/or Unusual Behavior:
    - i. Probation employees should be observant of bruising, injury or unusual behavior, which may be the result of abuse or neglect.
    - ii. Employees observing the abuse may ask the four questions listed in the previous section to attempt to ascertain the cause.

- iii. If the responses lead to suspicion of abuse or neglect or if the responses are inconsistent with the observations, report as described in *Section G*.

h. Third-party report of abuse

- i. If a third-party informs probation employees that a child may be the victim of abuse or neglect, the third-party should be directed to report the information to both CPS and the local law enforcement agency where the abuse/neglect occurred. Adult Probation Department employees are also required to make the report. (*See Reporting Procedures in Section G below*).

**G. REPORTING PROCEDURES**

1. The employee, after observing or hearing about the suspected abuse as outlined in Sections C shall immediately call both CPS Hotline and the local law enforcement agency where the suspected abuse occurred.
2. A written report will also be mailed to CPS within 72 hours of the initial report (*Appendix 10*)
3. The report will include the names and addresses of the minor and minor's parents or person having custody of the minor, if known, the minor's age, nature and extent of injuries or neglect, any evidence of previous injuries or neglect and other information that might be helpful.
4. If the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.
5. Due to the sensitive nature of an impending investigation, the employees shall respond in a manner that protects the victim, preserves evidence and enhances the professional role of each collaborating agency.
6. It is often difficult to determine who plays what role in an abuse allegation. Therefore, the employee will not provide any information about the suspected abuse to the parents or any alleged perpetrators.
7. The employee shall refer questions about reasonable belief of abuse to CPS or the law enforcement agency involved.
8. After assessing the information and determining a need, the employee will attempt to make necessary arrangements to assure the immediate safety of the victim prior to leaving.
9. If the information was obtained from a third-party as described in section C., 4 above, document the information provided.
10. Do not interview the child, but remain observant.
11. If any injury is observed, the four questions listed in Section C may be asked.
12. After the third-party has been directed to report the suspected abuse, the employee shall make a follow-up report to CPS and the appropriate local law enforcement agency.

13. The incident will be documented per Yavapai County Adult Probation Department Policy.

## **X**

### **REPORTING COMPLIANCE**

An Annual Report shall be transmitted within forty-five days after the end of each fiscal year, independently from Child Protective Services and the Yavapai County Attorney to the Governor, the Speaker of the House of Representatives and the President of the Senate. This report is a public document and shall include:

- a. The number of criminal conduct allegations investigated and how many of these investigations were conducted jointly pursuant to the Investigation Protocols established in this Sub-Section.
- b. Information from the Yavapai County Attorney regarding the number of cases presented for review, the number of persons charged in those cases, the reasons why charges were not pursued and the disposition of these cases.
- c. The reasons why a Joint Investigation did not take place.

## **XI**

### **DISPUTE RESOLUTION PROCEDURES**

#### **A. YAVAPAI COUNTY ATTORNEY'S OFFICE**

Dispute from a Deputy County Attorney ("DCA") to an outside agency:

1. Bring the matter to the attention of a Yavapai County Attorney Office ("YCAO") Supervisor and obtain clearance to attempt informal resolution by personal communication with Officer/CPS worker/Assistant Attorney General.
2. If unsuccessful, DCA will discuss result with YCAO Supervisor and determine the next step to be taken. In most cases the Supervisor will discuss with the immediate supervisor in the other agency.
3. If issue(s) remain unresolved after contact with the immediate supervisor, the Supervisor should staff the issue with the Yavapai County Attorney to determine what additional steps will be taken. If further review is desired, the Yavapai County Attorney will attempt to follow the review process established by the outside agency.
4. Lodging a formal complaint with an outside agency should be done only when informal options have been explored and only as a last resort.
5. No contact with the head of another agency expressing criticism of that agency shall be made without prior approval by the Yavapai County Attorney, Chief Deputy or Law Enforcement Liaison. In most cases, it will be necessary for such contact to be made by the Yavapai County Attorney, Chief Deputy or their designee.

Dispute from outside agency personnel with a Deputy County Attorney:

1. Attempt resolution by personal communication with the YCAO DCA.
2. If issues remain unresolved, the outside agency worker should contact the Supervisor of the YCAO DCA and request a review of the DCA's decision/action.
3. If the YCAO Supervisor is unable to resolve the matter, the outside agency worker with their immediate supervisor's knowledge, and following any other requirements of their parent agency may contact the County Attorney and request further review.

#### **B. LAW ENFORCEMENT AGENCIES**

It is essential that Law Enforcement, Child Protective Services and the Yavapai County Attorney's Office communicate effectively. To ensure there is an effective line of communication, the following procedures should be utilized:

Dispute from outside agency with Patrol/Deputy:

1. In circumstances when patrol officers/deputies respond to an incident and there is a need to seek resolution beyond the officer's/deputy's ability, the respective agency

seeking resolution shall speak to the on-duty supervisor from that law enforcement agency.

2. In the event there is no on-duty supervisor, the agency seeking resolution shall contract law enforcement communications (dispatch), (*see Appendix A*), and request a supervisor, following that agency's chain of command. All necessary steps will be taken to resolve the complaint.
3. In the event the issue cannot be resolved at that level, the CPS or Yavapai County Attorney representative will notify their respective chain of command asking for a meeting at the management level. This conferring may be completed over the phone as necessary to accommodate a timely response.

Dispute from outside agency with Detective/Investigator:

1. In circumstances when Child Crimes Investigators are investigating a Complaint and there is an issue that requires resolution beyond the Detective's ability, the Detective's Supervisor or Commander shall be notified.
2. If this is not sufficient to resolve the issue, the CPS or County Attorney representative shall notify their respective chain of command asking for a meeting at the management level. This conferring may be completed over the phone as necessary to accommodate a timely response.
3. Dispute from law enforcement personnel with an outside agency:
4. Officers/Deputies shall use a similar process to raise concerns with the Yavapai County Attorney's Office or with Child Protective Services as appropriate and within their prescribed guidelines.

#### C. CHILD PROTECTIVE SERVICES

Dispute from a CPS Specialist, Supervisor, Assistant Program Manager, Deputy Program Manager with an outside agency:

1. Lodging a formal complaint with an outside agency should be done only when informal options, using the chain of command, have been explored and no resolution has been reached by the interested parties.
2. Formal complaints to an outside agency will be initiated only by the Deputy Program Manager(s) or Assistant Program Manager of the Northern Region District III.

Dispute from outside agency personnel with a CPS Specialist:

1. Attempt resolution with the CPS Specialist by personal communication.
2. If issues remain unresolved, make contact with the CPS Unit Supervisor. Explain in detail what the outstanding issue entails.
3. If issues remain unresolved, make contact with the responsible Assistant Program Manager and set up a one-to-one meeting to discuss the outstanding issues.

4. If issues remain unresolved, contact the appropriate Deputy Program Manager on day-to-day operations and ask for final review of the circumstances of the dispute. The Deputy Program Manager will consult with the Program Administrator Program Manager on issues involving systematic barriers that will need to be addressed as a State-wide System.
5. Any individual barriers will need to be addressed with senior management from the respective entities to engage in conflict resolution pertaining to the Interagency Protocol in Yavapai County.

In situations where the safety and immediate needs of victims are not an immediate concern the case can be review prior to submission to the County Attorney's Office for charging at The Yavapai Family Advocacy Center Case Review meetings. Cases that need a second look can also be brought to this meeting for a "second look".

#### C. SECOND LOOK - CASE REVIEW

The Yavapai Family Advocacy Center holds scheduled Case Reviews Meetings. The case can be brought to these reviews by any agency wishing for more feedback on how to resolve the case. When a case has been reviewed for prosecution and declined, the case can be brought to one of the Case Review Meetings as well for a "Second Look." Representatives from several agencies attend. The case can be reviewed and discussed to determine further actions that may result in prosecution or final closure of the case.



# APPENDIX

## YAVAPAI COUNTY LAW ENFORCEMENT AGENCIES

**Arizona Department of Public Safety**  
1111 W. Commerce Drive  
Prescott, AZ 86305  
Phone: (928) 778-3271  
Facsimile: (928) 776-1089

**Camp Verde Marshal's Office**  
646 South 1st Street  
P.O. Box 710  
Camp Verde, AZ 86322  
Phone: (928) 567-6621  
Facsimile: (928) 567-6238

**Chino Valley Police Department**  
1020 Palomino Road  
P.O. Box 406  
Chino Valley, AZ 86323  
Phone: (928) 636-4223  
Facsimile: (928) 636-1972

**Clarkdale Police Department**  
49 N. 9<sup>th</sup> Street  
P.O. Box 308  
Clarkdale, AZ 86324  
Phone: (928) 634-7240  
Facsimile: (928) 634-1679

**Cottonwood Police Department**  
199 S. 6<sup>th</sup> Street  
Cottonwood, AZ 86326  
Phone: (928) 634-4246  
Facsimile: (928) 634-0611

**Embry Riddle Aeronautical University Police Department**  
3700 Willow Creek Road  
Prescott, AZ 86301  
Phone: (928) 777-3739  
(928) 777-6671 after hrs  
Facsimile: (928) 777-3719

**Jerome Police Department**  
P.O. Box 335  
Jerome, AZ 86331  
Phone: (928) 634-8992  
Facsimile: (928) 649-2776

**Prescott Police Department**  
222 S. Marina  
P.O. Box 2059  
Prescott, AZ 86302  
Phone: (928) 777-1988  
Facsimile: (928) 778-3839

**Prescott Valley Police Department**  
7601 E. Civic Circle  
Prescott Valley, AZ 86314  
Phone: (928) 772-9261  
Facsimile: (928) 583-5910

**Sedona Police Department**  
100 Roadrunner Drive  
Sedona, AZ 86336  
Phone: (928) 282-3102  
Facsimile: (928) 282-0622

**Yavapai Apache Nation Police Department**  
353 Middle Verde Road  
P.O. Box 1188  
Camp Verde, AZ 86322  
Phone: (928) 649-7142  
Facsimile: (928) 567-7594

**Yavapai College Police Department (Prescott)**  
1100 E Sheldon Street  
Prescott Arizona 86301  
Phone: (928) 776-2185  
Facsimile: (928) 776-2120

**Yavapai College Police Department (Verde)**  
601 Black Hills Drive  
Clarkdale, AZ 86324  
Phone: (928) 634-6599  
Facsimile: (928) 776-2120 c/o Prescott Campus

**Yavapai Prescott Tribal Police**  
530 Merritt Avenue  
Prescott, AZ 86301  
Phone: (928) 443-1599  
Facsimile: (928) 443-1603

**Yavapai County Sheriff's Office**  
255 E. Gurley Street  
Prescott, AZ 86301  
Phone: (928) 771-3260  
Facsimile: (928) 771-3294

**Veterans Affairs Police Department**  
500 North Highway 89  
Prescott, AZ 86313  
Phone: (928) 445-4860

# **YAVAPAI COUNTY CHILD PROTECTIVE SERVICES OFFICES**

## **District III**

### **HOTLINE**

#### **Law Enforcement Designated Hotline**

**Telephone Number: 1-877-238-4501**

P.O. Box 44240

Phoenix, AZ. 85064-4240

Fax

602-520-1832 or 602-520-1833.

**Regular HOTLINE number: 1-888-SOS-CHILD (1-888-767-2445)**

**Or TDD 1-800-530-1831).**

#### **Prescott**

Child Protective Services Office

1519 W. Gurley St. Suite 2

Prescott, AZ 86301

Phone: (928) 277-2825

Facsimile: (928) 277-2779 or  
(928) 277-2777

#### **Cottonwood**

Child Protective Services Office

1500 E. Cherry Street, Suite B

Cottonwood, AZ 86326

Phone: (928) 634-7561

Facsimile: (928) 649-6852

#### **Prescott Valley**

Child Protective Services Office

3274 Bob Drive

Prescott Valley, AZ 86314

Phone: (928) 277-2600

Facsimile: (928) 277-2658

## **YAVAPAI FAMILY ADVOCACY CENTER**

**The mission of the Yavapai Family Advocacy Center is to assist the victims of child or vulnerable adult abuse or neglect, domestic violence and sexual assault, by reducing additional trauma, ensuring thorough investigation and enhancing prosecution through a multidisciplinary team process.**

**Yavapai Family Advocacy Center**  
8485 E. Yavapai  
P.O. Box 26495  
Prescott Valley, AZ 86312  
Phone: (928) 775-0669  
(928) 642-7107 after hours  
Facsimile: (928) 759-0474  
Email: [www.Yfac.org](http://www.Yfac.org)

## **YAVAPAI COUNTY ATTORNEY OFFICES**

### **CHARGING UNIT**

928-777-7355

Fax

928-771-3454

#### **Prescott**

Yavapai County Attorney's Office

255 E. Gurley St.

Prescott, AZ 86303

Phone: (928) 771-3344

Facsimile: (928) 771-3110

Victim

Services: (928) 771-3485

#### **Camp Verde**

Yavapai County Attorney's Office

2830 N. Commonwealth Dr. #106

Camp Verde, AZ 86326

Phone: (928) 567-7717

Facsimile: (928) 567-7745

Victim

Services: (928) 567-7757

**CHILD ABUSE HOTLINE INTERVIEW QUESTIONS**  
**Questions to Support the Information Collection and Assessment Process**  
*(Effective July 1, 2010)***INTRODUCTION**

1. Is your concern about a child (person under age 18)?
2. Who do you believe is mistreating the child (parent, guardian or custodian)?
3. Have you called the Hotline before? If no, explain the interview process.
4. What is your concern about the child?

**INFORMATION COLLECTION TO MAKE SAFETY DECISIONS****Family Composition and Demographic Data**

1. Who is living in the home, including family members and others? Are there other children who do not live in the home? Do you happen to know the dates of birth or ages, and the social security numbers of the children, parents and all other adults living in the home?
2. What is the family's home address? Include the name of the apartment complex and trailer park, apartment or space number and directions, if needed. What is the phone number?
3. If the home address is not known, is there any other way to locate the family? Can we locate the child at school, day care, or a relative's home, or locate the caregiver at their place of employment, etc.?
4. Where does the child go to school/daycare? What are the attendance times? If school staff is the reporting source – do you know the child's SAIS number?
5. What is the parents' marital status? Do you know the custody and visitation arrangements? If yes, what is the date of the next visit? Are there existing court orders regarding these arrangements?
6. If the child lives with someone other than their parent, does the caregiver have legal guardianship?
7. Do you know the ethnicity of the family? If family members are Native American, do you know the tribal affiliation and whether they are enrolled as members? Do you know the tribal enrollment number? Are they eligible to receive tribal services?
8. What is the primary language of family members or others in the home? Is English also spoken or understood?

**What is the extent of current maltreatment?**

1. What happened to the child? Can you describe the child's current behavior or medical condition and any recent changes you have noticed? What was the child's statement(s) about the injury/incident? When and where did the incident occur?
2. How serious is the harm? Can you describe the child's injury, including the location, size, shape and color? Can you describe the child's appearance or emotional well-being?
3. Who caused harm to the child?
4. How did you become aware of the alleged abuse or neglect? Did you and/or someone else witness the incident? When did you last see the child?

5. Are you aware if incidents like this have occurred before? Do you know how often these kinds of incidents occur? If yes, has there been a change in intensity or severity? If yes, can you describe the change?
6. When is the last time you have been in the home? Can you describe the child's living environment?
7. Do you know if the child has seen a medical doctor or mental health professional? Where and when did this occur? Do you know the doctor's name and telephone number? Do you know the diagnosis? What medical care and/or medication (including psychiatric) is needed? What will happen if the child does not receive the medical care?
8. Were police called? Did they respond? If yes, what was the response or outcome? Do you have the officer's name, phone number and report number?

**If specific physical abuse or neglect circumstances exist - refer to Section B.**

**What are the circumstances surrounding the maltreatment?**

1. What is the caregiver's explanation of the injuries/incident? Have they taken any action to address the concern? Has the caregiver indicated to you that he/she is not able to meet the needs of their children?
2. What lead to the current situation? How long has the current incident been occurring?
3. Does mental health, substance abuse, or domestic violence issues contribute to the child maltreatment? If yes, has there been a change in intensity or frequency regarding these issues?
4. Does the alleged perpetrator have access to the child? If yes, when and how often?
5. Are the parents or other adults in the household aware of the incident? If yes, has any adult in the household intervened to protect the child? What action did they take to protect the child?
6. Is there a parent outside of the household who is aware of the incident? If yes, has that parent intervened to protect the child? What action did the parent take to protect the child?

**What is the level of child functioning for every child living in the household?**

1. Can you describe the child's overall appearance, health and well-being? If the child is five or under, can you describe his/her development and verbal communication skills?
2. Does the child have any behavioral, mental, emotional, intellectual or physical conditions? If yes, describe the child's behaviors associated with the condition. Is the child receiving services and from what agency? Does the condition contribute to caregiver's stress?
3. How does the child respond to the caregiver's behavior or conditions of their home environment? What is the child's perception of his/her caregivers?
4. If the child has siblings, how does the child relate to and interact with his/her siblings? Is this child targeted or favored by the caregiver? How?
5. To what extent is the child able to protect him/herself?
6. Has the child expressed concern about going home? If yes, what has he/she done or said to indicate concern about going home?
7. Do you know of any relatives or adults who care about the child and are involved in the child's life? If yes, do you know their name, where they live and how to get in contact with them?
8. What grade is the child in at school? What is their general performance, etc.?
9. How does the child interact with his/her peers?